

REMARKS

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed May 17, 2006. Claims 1-3, 6-11, 13-19 and 21-24 were rejected. The claims have been amended to address the concerns raised by the Examiner.

Claims 1-3, 6-11, 13-19 and 21-24 remain in the application. Claims 1-24 were originally presented. Claims 1, 10 and 17 have been amended and are fully supported by the specification. Support for the amendments is clearly found in the original claims, specification, and in the figures.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 7, 8, 10, 15, and 16 (including independent claims 1, 10) were rejected under 35 U.S.C. § 102(b) as being anticipated by Perry, Jr. (U.S. Patent No. 5,163,890).

The Perry reference fails to disclose a physical therapy apparatus with a seat back maintainable in a substantially vertical position above a leg board, and that is inclinable from the substantially vertical position. Instead, Perry teaches a platform to support the user's head in a face down orientation such that any vertical positioning of the seat back must be below the leg support and is not maintainable.

In contrast, independent claim 1 sets forth:

“a substantially vertical seat back maintainable in a substantially vertical position and configured to receive a torso of the patient; [and] a leg board, pivotally coupled to the seat back with the seat back extending above the leg board,” (emphasis added).

Similarly, independent claim 10 sets forth:

“a seat back maintainable in a substantially vertical position and inclinable therefrom, and configured to receive a torso of the patient; [and a] leg board extending substantially the entire length of the leg of the user and the seat back extending above the leg board” (emphasis added).

As clearly shown in FIGs. 1, 5 and 6, the platform in Perry is not maintainable in a substantially vertical position above the leg board. Moreover, since Perry positions the user in a face down position, it is unclear to applicant how the seat back could be moved to a substantially

vertical position above the leg board since the user's body bends at the waist lowering the head toward the ground, as shown in FIG. 5.

In contrast, the present invention positions the user in a face up position such that the seat back supports the back, and the leg board supports the buttocks, and calves of the user in a sitting position (see page 3 lines 17-19). This means that the substantially vertical position of the seat back is above the leg board since the user's body is in a sitting position.

Moreover, the seat back of the present invention can be maintained in the substantially vertical position, whereas the seat back of Perry can not be maintained in a vertical position. Thus, Perry does not teach every element of independent claims 1 and 10 since the seat back in Perry is not maintainable in a substantially vertical position above the leg board.

Therefore, Applicant respectfully submits that independent claims 1 and 10 are allowable, and urges the Examiner to withdraw the rejection. Claims 7, 8, 15, and 16 are allowable for at least their dependence on allowable independent claims.

Claim Rejections - 35 U.S.C. § 103

Claims 1-2, 6, 9-10, 13-14, 17-19, and 21-23 (including independent claims 1, 10, and 17) were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mahvi (U.S. Patent No. 4,815,732) in view of Atwood (U.S. Patent No. 5,122,106).

The Mahvi and Atwood references, when combined, do not teach or suggest all of the elements of independent claims 1, 10 and 17. Specifically, the Mahvi reference does not teach a leg board pivotally coupled to a rearwardly inclinable seat back and selectively adjustable and maintainable at discrete obtuse angular orientations between 150 and 90 degrees with respect to the seat back, and the Atwood reference does not overcome that deficiency. Instead, Mahvi teaches a stationary base platform and a backrest that is forwardly pivotal with respect to the base platform between an initial perpendicular position and a forward position in which the back rest pivots forward toward the base platform. Thus, the seat back in Mahvi is positionable only in acute angles with respect to the base.

Combining Atwood with Mahvi fails to overcome Mahvi's deficiency because Atwood discloses a device with a pivotal leg engaging member pivotable above a stationary back rest.

Thus, Mahvi fails to teach a rearwardly inclinable seat back and Atwood does not overcome that deficiency.

In contrast, independent claims 1, 10 and 17 set forth a seat back that is rearwardly inclinable from a substantially vertical position above a pivotal leg board as clearly shown in FIGs. 1a and 2, with the seat back and leg board selectively adjustable and maintainable in discrete obtuse angular orientations between 150 and 90 degrees with respect to one another, as described on page 5 lines 13-20. .

Thus, the Mahvi and Atwood references fail to show individually, or in combination, a rearwardly inclinable seat back and a pivotal leg board adjustable with respect to one another to an obtuse angular orientation between approximately 150 to 90 degrees between the seat back and the leg board. Therefore, Applicant respectfully submits that independent claims 1, 10 and 17 are allowable, and urges the Examiner to withdraw the rejection. Claims 2, 6, 9, 13-14, 18-19, and 21-23 are allowable for at least their dependence on allowable independent claims.

CONCLUSION

In light of the above, Applicant respectfully submits that pending claims 1-3, 6-11, 13-19 and 21-24 are now in condition for allowance. Therefore, Applicant requests that the rejections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call Garron M. Hobson at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 20-0100.

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Respectfully submitted,



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